

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-38491 of 2019
Date of Decision: 16.09.2019

Jatinder

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Brahminder Singh Toor, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.121 dated 08.06.2019 registered for offences punishable under Sections 307, 323, 506, 427, 148 and 149 of Indian Penal Code (for short, "IPC") at Police Station Focal Point, District Police Commissionerate Ludhiana.

Heard.

Notice of motion.

On asking of the Court, Mr. Avtar Singh Sandhu, Addl. A.G. Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per case of prosecution, occurrence took place on 07.06.2019, initially at the *rehri* of Rahul Kumar and then at 10.30 p.m. at the shop of complainant, where Rohit @ Kaka, Devraj, Anil and Jatinder (petitioner) alongwith 7/8 persons came armed with iron rod, *gandasi* type weapons and baseball bats. They caused injuries on the person of Rohan.

When complainant intervened, petitioner gave a blow with iron rod on his head while injuries were also caused to Anil Kumar.

Learned counsel for the petitioner submits that injury attributed to petitioner is simple in nature. Though, the police has added offence under Section 307 IPC but no injury on the person of Rohan, Anil Kumar and complainant was declared dangerous to life.

Learned State counsel submits that as per allegations in the FIR, petitioner was armed with an iron rod and caused injuries to complainant.

The petitioner in this case was arrested on 08.06.2019 and after completion of investigation challan against him has been presented in Court.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Jatinder is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

September 16, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No